

Codes of conduct for building practitioners

This fact sheet explains new sections 177 to 177D of the *Building Act 1993* (the Act), which commence on 1 September 2016.

THE CHANGES

From 1 September 2016, the Victorian Building Authority (VBA) can approve codes of conduct for different categories or classes of building practitioners.

The VBA may prepare a code of conduct, or it may approve a code that is prepared and submitted by an organisation representing a category or class of building practitioner.

If developing a code, the VBA may consult with any organisation. The Act allows for Regulations to be passed making it compulsory for the VBA to consult with specific organisations.

An organisation that represents building practitioners, can submit a code of conduct to the VBA for approval. The VBA must consult with that organisation before approving the code, and also has the option to consult with any other organisation before approving the code.

Once approved by the VBA, a code of conduct must be published in the *Government Gazette*.

A code of conduct comes into effect on the date of publication in the *Government Gazette* or on a later date specified in the code.

WHAT THE CHANGES MEAN

Building practitioners, including building surveyors

There will be no immediate changes to your duties under the Act.

The VBA will develop criteria and a process that it proposes to use to guide development of codes of conduct that are submitted for approval. Industry bodies will be asked to give feedback on this before it is finalised.

Organisations representing building practitioners can submit codes of conduct to the VBA for approval. The conduct issues covered in a code will be a minimum standard that building practitioners must follow.

Building practitioners must comply with any approved code of conduct that applies to them.

Once a code of conduct is approved and in effect, failing to comply with the code of conduct will be grounds for disciplinary action. See the [Changes to practitioner disciplinary action fact sheet](#) for more information.

Read the new sections 177 to 177D

177 Authority may approve codes of conduct for building practitioners

- (1) *The Authority may approve codes of conduct for building practitioners in accordance with this Division.*
- (2) *A code of conduct may make different provision for different categories or classes of building practitioners.*

177A Code of conduct prepared by Authority or industry

- (1) *A code of conduct approved by the Authority under this Division may be—*
 - (a) *a code of conduct prepared by the Authority; or*
 - (b) *a code of conduct prepared and submitted to the Authority by an organisation representing building practitioners.*
- (2) *In preparing a code of conduct under subsection (1)(a), the Authority—*
 - (a) *must consult with any prescribed organisation representing building practitioners; and*
 - (b) *may consult with any other organisation.*

- (3) *The Authority may make changes to a code of conduct submitted to the Authority under subsection (1)(b).*
- (4) *Before making changes to a code of conduct under subsection (3), the Authority—*
- a) must consult with the organisation that submitted the code of conduct; and*
 - (b) may consult with any other organisation.*

177B Code of conduct must be published

A code of conduct approved by the Authority under this Division must be published in the Government Gazette.

177C Commencement of code of conduct

A code of conduct comes into operation on the later of—

- (a) the day on which the code of conduct is published in the Government Gazette; or*
- (b) the day specified in the code of conduct as the day on which the code of conduct comes into operation.*

177D Building practitioners must comply with approved code of conduct

A building practitioner must comply with any code of conduct approved under this Division that is applicable to the building practitioner's category or class of registration.

Want to know more?

Please [submit an enquiry](#) or call us on 1300 815 127.

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